

CONTINUUM LIVING AT IRVINGTON

By The Continuum Company



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Dated: May 9, 2011

VENEZIANO & ASSOCIATES

COUNSELLORS-AT-LAW

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ARMONK, NEW YORK 10504

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May 9, 2011

Brian Smith, Mayor
Village of Irvington
85 Main Street
Irvington, NY 10533

RE: 30 South Broadway
Submission of Zoning Petition

Honorable Mayor and Members of the Village Board:

Our firm represents The Continuum Company (TCC), contract vendee of the property located at 30 South Broadway. The purpose of this letter is to submit a Zoning Petition seeking, among other things, amendments to the MF Zoning District to allow assisted living communities as a special permit use within the MF Zone, provided that the site is in close proximity to Main Street.

Our proposal for this approximately 4 acre property, as set forth in more detail in the attached Petition and exhibits, provides for an approximately 105,000 square foot assisted living residence containing 121 units. Eighty-one of those units will be designated for assisted living, while the remaining forty units are designated for dementia care.

We respectfully submit that this proposal provides numerous benefits to the Village, both fiscal and social, while not having a significant impact on the Village or the immediate neighbors.

Attached please find our Zoning Petition and application fee. The exhibits to the Petition includes, among other things, a site plan, a draft local law with respect to the proposed zoning amendments, and a Full Environmental Assessment Form.

Please place this matter on your agenda for May 16, 2011 for an initial presentation and for a referral to the Planning Board pursuant to § 224-99 of the Village of Irvington Zoning Code, as well as to commence the SEQRA process.

Brian Smith, Mayor
Village of Irvington Board of Trustees

May 9, 2011
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Thank you for your courtesy and cooperation.

Very truly yours,



ANTHONY F. VENEZIANO, JR.

Cc: Ian Bruce Eichner, CEO, The Continuum Company, LLC
Scott Aaron, Partner, The Continuum Company, LLC
John Saccardi, AICP, VHB Engineering, Surveying & Landscaping
Michael Divney, P.E., AICP, Divney Tung Schwalbe, LLP
Susan Wright, Gruzen Samton, LLP
The Continuum Company
The Foundation for Economic Education

VILLAGE BOARD: VILLAGE OF IRVINGTON
COUNTY OF WESTCHESTER: STATE OF NEW YORK

x-----x

In the Application of

THE CONTINUUM COMPANY

**VERIFIED
PETITION**

For an Amendment to the Zoning Ordinance

Of the Village of Irvington pursuant to Section 224-99 of the
Irvington Code.

x-----x

TO THE VILLAGE BOARD OF THE VILLAGE OF IRVINGTON:

The petition of The Continuum Company ("TCC"), by their attorneys, Veneziano & Associates, respectfully alleges and shows to this Board as follows:

1. The Petitioner is a New York limited liability company with its principal office located at 590 Madison Avenue, 26th Floor, New York, New York, 10022.

2. The Petitioner is the contract vendee of certain property commonly known as 30 South Broadway, Irvington, New York 10533, and identified on the tax assessment map of the Village of Irvington as Section 2.090, Block 44, Lot 21. Attached as **Exhibit A** is a location map and attached as **Exhibit B** is a copy of the relevant portion of the tax map. The property consists of approximately 4 acres and is generally located on the western side of Route 9 (Broadway) between Main Street and Station Road. The property is located in the Multi-Family (MF) zoning district. Attached as **Exhibit C** is a copy of the relevant portion of the zoning map showing the zoning of the subject property and the surrounding properties.

3. The owner and contract vendor of the subject property is The Foundation for Economic Education, Inc.

4. The subject property is currently improved with a mansion which is utilized as the offices of The Foundation for Economic Education, Inc. The character and zoning of the surrounding properties is as follows:

- a. To the west of the subject property is the Old Croton Aqueduct and a single family residential neighborhood.
- b. To the north of the subject property is the multiple family residence known as Irvington Estates.
- c. To the east of the subject property is bordered by Route 9/Broadway. The property on the eastern side of Route 9/Broadway is single family residential.
- d. To the south of the subject property is a single family residential neighborhood.
- e. The subject property is bordered by single-family zones to the east, south, and west and by two-family and business zones to the north.

5. The Petitioner is proposing to develop the subject property with an assisted living residence. Attached as **Exhibit D** is an Illustrative Site Plan, prepared by Divney Tung Schwalbe, and dated May 2011, depicting the proposed use and its location on the subject property.

6. The proposed assisted living residence for the subject property consists of 121 units. Eighty-one of those units are designated for assisted living, while the remaining forty units are designated for dementia care. Currently, the site is improved with a historic building that is approximately 15,000 s.f., and will be preserved and utilized as part of the proposed assisted living residence. The proposed new buildings have 2 story, 3 story, and 4 story

components, and a total floor area of approximately 90,000 s.f. In total, the proposed assisted living residence will be approximately 105,000 s.f. and contain 50 parking spaces.

7. This TCC assisted living residence will include the following amenities, among others: a dining room, a private dining room, an activities room, a card room, a computer center, a beauty salon, a fitness center, walking paths, a wellness center, children's playroom, sunroom, library, residents lounge/living room, a bistro, and a media room. In addition, the assisted living residence will provide resident transportation for such purposes as doctors appointments, shopping, and other outside activities.

8. At this time, the proposed use is not permitted in the MF zoning district. Permitted uses in the MF district include single-family dwellings, two-family dwellings, and multi-family dwellings. Special permit uses include hospitals, research and development laboratories, insurance underwriting offices, and offices associated with publishing. Attached hereto as **Exhibit E** is a draft local law to amend the Zoning Code of the Village of Irvington to establish assisted living communities as permitted uses in the MF zoning district, subject to the issuance of a special permit by the Planning Board.

9. The subject property is one of the most desirable locations for an assisted living residence in Irvington. The site benefits from having direct access to Route 9/Broadway, being in the County of Westchester North Yonkers Sewer District, and having access to municipal water. Further, public transportation services are also readily accessible.

10. The Village will derive a number of economic and social benefits from the proposed project. With respect to local employment, the proposed project will result in a significant increase in the number of jobs, both during construction and after completion of the project. During construction of the project, there will be approximately 350-400 construction

jobs. Upon completion of the project, we will have approximately 75 full time employees working three shifts.

11. Beyond this direct benefit of job creation, the Village will also receive a secondary benefit in the form of increased revenues for local businesses in the Village. These increased revenues will result from the presence of the assisted living employees who are likely to spend their disposable income locally. Additionally, residents of the assisted living residence, who will engage in shopping excursions and who are expected to have significant disposable income, will also contribute to increased revenues at local businesses. In addition, because assisted living residences are tax paying entities, the Village will receive significant tax benefits.

12. Beyond the benefits to be gained from the presence of an assisted living residence, the residence will also be expected to have minimal to no impacts on the community including no impact on the local schools, virtually no impact on traffic and minimal impact on local services.

13. Along with the many economic and related benefits to the Village, social considerations also favor the proposed use. At present, no nearby facility exists which is similar to the proposed assisted living use. Therefore, the establishment of such a residence in Irvington will enable local seniors to remain in the area and in close proximity to their families. Additionally, a broad range of amenities and activities will be provided and made available to the residents which will enable the seniors to remain socially engaged.

14. The proposed use is supported by the Village's 2003 Comprehensive Plan. Section 3.2 of that plan discusses "...changes to the local land use regulations so that new

houses and roads either mesh with the established settlement character or provide a benefit to the community, such as permanently preserved open space or affordable or senior housing.”

15. The following specific relief is requested:

- a. An amendment to the Zoning Code to provide for assisted living communities as a permitted use within the MF zoning district, subject to the issuance of a Special Permit by the Planning Board;
- b. An amendment to the Village Comprehensive Plan to provide for the foregoing proposed use in the MF district;
- c. Special permit approval by the Planning Board with respect to the proposed assisted living residence on the subject property in the MF zoning district;
- d. Site plan approval by the Planning Board for the proposed assisted living residence.

16. A Full Environmental Assessment Form, Part 1, is attached hereto as **Exhibit F**. The applicant has assembled a consulting team that will address all areas of environmental impact as the project moves through the review and approval process.

WHEREFORE, it is respectfully requested that this Petition be placed on the May 16, 2011 agenda of the Village Board and referred to the Planning Board for formal recommendation, that the SEQRA process be commenced, and that the relief sought herein be, in all respects, granted.

Dated: May 9, 2011
Armonk, New York

Respectfully submitted,

Veneziano & Associates,
Attorneys for Petitioner,
The Continuum Company
84 Business Park Drive, Suite 200
Armonk, New York 10504
(914) 273-1300

VERIFICATION

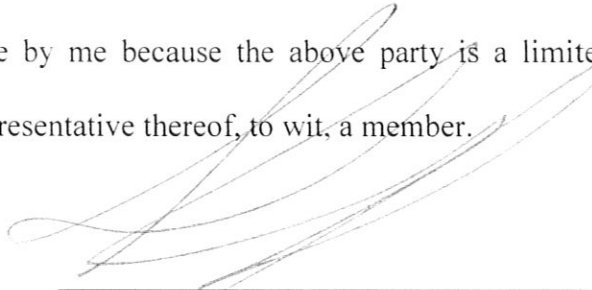
STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

IAN BRUCE EICHNER, being duly sworn, deposes and says:

I am a Member of THE CONTINUUM COMPANY, LLC, a limited liability company which is the Contract Vendee of the subject property.

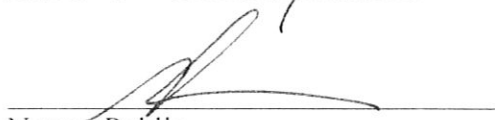
I have read the annexed Petition and know the contents thereof; and the same is true to the best of my knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

This verification is made by me because the above party is a limited liability company and I am a duly authorized representative thereof, to wit, a member.



IAN BRUCE EICHNER

Sworn to before me this
6 day of May, 2011



Notary Public

SHARON H. McCULLOCH
Notary Public, State of New York
No. 01MC6224121
Qualified in New York County
Commission Expires: June 28, 2014